



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, August 15, 2022

5:30 PM

City Hall | Council Chamber  
757 N. Galloway Avenue | Mesquite, Texas

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Present: Mayor Daniel Alemán, Jr., and Councilmembers Kenny Green, Tandy Boroughs, B. W. Smith, Jeff Casper, Jennifer Vidler and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

### **PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding the Parks and Recreation Master Plan.
- 2 Discuss the proposed budget and tax rate for Fiscal Year 2022-23.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:02 P.M.**

#### **INVOCATION**

Reginald Jefferson, Pastor, New Hope Baptist Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Masonic Lodge AF&AM #928.

#### **PRESENTATIONS**

- 3 Presentation of a Certificate of Appreciation to Benny Rice in recognition of her service as a member of the Mesquite Quality of Life Corporation Board of Directors.  
  
**Mayor Alemán presented Benny Rice with a Certificate of Appreciation in recognition of her service as a member of the Mesquite Quality of Life Corporation Board of Directors from October 2015 through June 2022.**
- 4 Recognize Real. Texas. Service. Champions.  
  
**City Manager Cliff Keheley stated that the Real. Texas. Service. Champions program was created as an opportunity for employees to be recognized for their service to the organization and Mesquite community. A brief video was shown detailing each employee's contributions to the City of Mesquite.**

Mayor Alemán, City Councilmembers and City Manager Cliff Keheley presented Certificates of Appreciation to the following employees in honor of their service to the City of Mesquite: Elizabeth Cline, Library Assistant; Terry Sprinkle, Lead Facilities Maintenance Technician; Esmeralda Vasquez, Police Payroll Clerk; and Stephanie Nguyen, Plans Examiner.

## SPECIAL ANNOUNCEMENTS

1. Mayor Alemán recognized former Mayor Stan Pickett and former City Councilmember Sherry Wisdom who were in attendance at tonight's meeting.
2. Ms. Anderson thanked the Mesquite Police Department (MPD) and Mesquite Fire Department (MFD) for welcoming Mesquite Independent School District (MISD) students back for the 2022-23 school year. Police Officers were at many schools during the first week to support students and their families. The MFD displayed fire engines with new "Please Slow Down, School Back in Session" banners. She reminded residents not to text while driving, do not use cell phones in crosswalks, watch for children when driving near schools, stop for school buses and Drive Like Your Family Lives Here.
3. Mr. Smith stated that the Mesquite Championship Rodeo season will end on August 27, 2022. The rodeo takes place every Saturday night at 7:30 p.m. Mesquite residents and businesses receive half-price rodeo tickets at the box office all season long. The City extends condolences to the family of Neal Gay, one of the founders of the Mesquite Championship Rodeo, and we honor his contributions to our City.
4. Mr. Boroughs stated that all City offices and facilities will be closed on Monday, September 5, 2022, in observance of Labor Day with the exception of the Mesquite Metro Airport. The Compost Facility and Convenience Center will also be closed. No trash or recycling will be collected and services will resume on residents' next scheduled collection day. He reminded residents that the first City Council meeting in September will be held on Tuesday, September 6, 2022.
5. Ms. Vidler invited residents to participate in a 50 Plus cornhole double elimination tournament sponsored by Valora Medical Group. The tournament will be held on Wednesday, August 24, 2022, at 9:30 a.m., at Goodbar Recreation Center, 3000 Concord Drive. Residents can sign up for this free event at Goodbar Recreation Center or at the Parks and Recreation Administration Office, 1515 North Galloway Avenue.
6. Mr. Green reminded residents and businesses to conserve water voluntarily due to continued unseasonably hot temperatures and lack of rainfall. The City's Water Conservation Plan limits watering to twice per week, before 10:00 a.m. and after 6:00 p.m.
7. Mr. Casper thanked the MPD and MFD for conducting a public safety training exercise last week at Florence Black Elementary School. The MPD and MFD have worked closely with MISD to create an emergency plan for every school. Last week, they demonstrated to City leaders what the City's response would look like in the event of a crisis. We hope to never have to employ these strategies but we are proud to say that the MPD and MFD have response times faster than the national average.
8. Mayor Alemán encouraged residents to visit the Downtown Mesquite Farmers Market for fresh produce, handmade goods, food vendors, live music and more. The market is open on Saturday's, from 9:00 a.m. to 1:00 p.m., at Front Street Station.
9. Mayor Alemán stated that last week was National Farmers Market Week. Last Saturday, as a token of appreciation, Mr. Green presented gifts to the vendors at the Downtown Mesquite Farmers Market.

**CITIZENS FORUM**

1. Shahbaz Ali Syed, 3828 U. S. Highway 80 E; Bidham Gautam, 1604 West Bruton Road; and Latoya Shrestha, 2620 Gus Thomasson Road, Suite 110, expressed concerns regarding coin-operated amusement machine regulations.
2. Clyde Boyce, 524 Riggs Circle, expressed support for the Texas truck grant, adding electric car charging stations at the Mesquite Convention Center and implementation of beverage trucks.

**CONSENT AGENDA****Approval of the Consent Agenda**

**Mr. Green moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Ms. Vidler and approved unanimously.**

- 5** Minutes of the regular City Council meeting held August 1, 2022.

**Approved on the Consent Agenda.**

- 6** An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Company") regarding the Company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsel.

**Approved on the Consent Agenda.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

- 7 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Iron Horse Public Improvement District (the "District"), making and adopting findings; accepting and approving the Fiscal Year 2022-2023 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

**Approved on the Consent Agenda.**

**Ordinance No. 4970, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR AUTHORIZED IMPROVEMENTS FOR THE IRON HORSE PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE FISCAL YEAR 2022-2023 ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4970 recorded in Ordinance Book No. 127.)**

- 8 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements, Phase No. 2 Improvements and Phase No. 2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2022-2023 Annual Service Plan Update and updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

**Approved on the Consent Agenda.**

**Ordinance No. 4971, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS, PHASE #2 IMPROVEMENTS AND PHASE #2 MAJOR IMPROVEMENTS FOR THE HEARTLAND TOWN CENTER PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4971 recorded in Ordinance Book No. 127.)**

- 9 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements and Phase Nos. 2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2022-2023 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

**Approved on the Consent Agenda.**

**Ordinance No. 4972, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS AND PHASES #26**

MAJOR IMPROVEMENTS FOR THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT NO. 2 (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS, ACCEPTING AND APPROVING THE FISCAL YEAR 2022-2023 ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4972 recorded in Ordinance Book No. 127.)

- 10 An ordinance amending Chapter 9, Section 9-150, of the City Code by adding a new speed limit of 35 MPH on Griffin Lane from the west City limit to FM 2932.

**Approved on the Consent Agenda.**

Ordinance No. 4973, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-150 OF THE MESQUITE CITY CODE BY ADDING A NEW SPEED LIMIT OF 35 MPH ON GRIFFIN LANE FROM THE WEST CITY LIMIT TO FM 2932; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$200.00 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4973 recorded in Ordinance Book No. 127.)

- 11 An ordinance amending Chapter 9 and Chapter 10 of the City Code regarding engine compression braking prohibition.

**Approved on the Consent Agenda.**

Ordinance No. 4974, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, ARTICLE VII OF THE MESQUITE CITY CODE BY ADDING A NEW SECTION 9-249 REGARDING ENGINE COMPRESSION BRAKING BEING PROHIBITED IN THE CITY; AMENDING CHAPTER 10, ARTICLE III – NOISE, SECTION 10-71 – OFFENSES, TO ADD ENGINE COMPRESSION BRAKING TO THE LIST OF NOISE OFFENSES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4974 recorded in Ordinance Book No. 127.)

- 12 An ordinance amending Chapter 14 "Solid Waste," Article I "General Provisions" and Article II "Residential Collection" of the City Code for the purpose of aligning the Code with the City's Trash Cart Program, and other related general provisions and amending Appendix D - the Comprehensive Fee Schedule for the purpose of adding a user fee for the City's specified trash carts in connection with the Trash Cart Program.

**Approved on the Consent Agenda.**

Ordinance No. 4975, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS, AND DELETIONS UNDER CHAPTER 14 "SOLID WASTE," ARTICLE I "GENERAL PROVISIONS," AND ARTICLE II "RESIDENTIAL COLLECTION," FOR THE PURPOSE OF ALIGNING WITH THE CITY'S TRASH CART PROGRAM, AND OTHER RELATED GENERAL REVISIONS; AND AMENDING APPENDIX D – THE COMPREHENSIVE FEE SCHEDULE OF THE MESQUITE CITY CODE BY REVISING ARTICLE XIV, SECTION 14-116, "SOLID WASTE ADMINISTRATIVE FEES" FOR THE PURPOSE OF ADDING

A USER FEE FOR THE CITY'S SPECIFIED TRASH CARTS IN CONNECTION WITH THE TRASH CART PROGRAM, AND OTHER RELATED REVISIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4975 recorded in Ordinance Book No. 127.)

- 13 A resolution calling certain outstanding bonds for redemption, authorizing the deposit of funds with the paying agent/registrar and resolving other matters related thereto.

**Approved on the Consent Agenda.**

**Resolution No. 30-2022, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS CALLING CERTAIN OUTSTANDING BONDS FOR REDEMPTION; AUTHORIZING THE DEPOSIT OF FUNDS WITH THE PAYING AGENT/REGISTRAR; AND RESOLVING OTHER MATTERS RELATED THERETO. (Resolution No. 30-2022 recorded in Resolution Book No. 65.)**

- 14 Bid No. 2022-041 - Earthen/Hybrid Channel Debris Removal Project.  
(Authorize the City Manager to finalize and execute a contract with Iron T Construction, Inc., in an amount not to exceed \$485,398.80.)

**Approved on the Consent Agenda.**

- 15 Bid No. 2022-047 - Box Hangar for Mesquite Metro Airport.  
(Authorize the City Manager to finalize and execute a contract with J.C. Commercial, Inc., in the amount of \$1,971,777.00 for the construction of an aircraft hangar at the Mesquite Metro Airport.)

**Approved on the Consent Agenda.**

- 16 Bid No. 2022-143 - Purchase of One Dodge Chassis with Altec Platform Bucket Truck for Replacement (Model AT237S).  
(Staff recommends award to Altec Industries, Inc. through Sourcewell Contract No. 110421-ALT, in the amount of \$147,276.00.)

**Approved on the Consent Agenda.**

- 17 Bid No. 2022-147 - Purchase of Ten Dodge Chargers (LDDE48) for Police.  
(Staff recommends award to Grapevine DCJ, LLC, through the BuyBoard Contract No. 601-19, in the amount of \$354,390.00.)

**Approved on the Consent Agenda.**

- 18 Authorize the City Manager to finalize and execute a Professional Services Agreement with Maldonado-Burkett, LLP, for an upgraded traffic signal design project in the amount of \$59,380.00.

**Approved on the Consent Agenda.**

**END OF CONSENT AGENDA**

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**PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2022-23 BUDGET:**

- 19** An ordinance providing funds for the 2022-23 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget.  
(This item was postponed at the August 1, 2022, City Council meeting.)
- Mr. Green moved to approve Ordinance No. 4976, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FUNDS FOR THE 2022-23 FISCAL YEAR BY ADOPTING AND APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF VARIOUS DEPARTMENTS AND ACTIVITIES OF THE CITY, FOR CAPITAL AND OTHER IMPROVEMENTS OF THE CITY AND FOR ALL OTHER EXPENDITURES INCLUDED IN SAID BUDGET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Anderson and approved unanimously. (Ordinance No. 4976 recorded in Ordinance Book No. 127.)**
- 20** An ordinance ratifying the property tax revenue increase reflected in the 2022-23 Fiscal Year budget for said period.  
(This item was postponed at the August 1, 2022, City Council meeting.)
- Mr. Green moved to approve Ordinance No. 4977, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE 2022-23 FISCAL YEAR BUDGET FOR SAID PERIOD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4977 recorded in Ordinance Book No. 127.)**
- 21** A. Conduct a public hearing regarding the proposed Fiscal Year 2022-23 ad valorem tax rate of \$0.65814 per \$100 valuation.
- B. An ordinance levying the ad valorem taxes for tax year 2022 (Fiscal Year 2022-23).
- A public hearing was held to receive input from citizens regarding the proposed Fiscal Year 2022-23 ad valorem tax rate of \$0.65814 per \$100 valuation.**
- Myra Rogers, Manager of Budget and Treasury, stated that the proposed tax rate of \$0.65814 per \$100 valuation is the voter approval rate and does not require an election to be held but does require at least 60 percent (five or more) of the City Councilmembers to vote in favor of the proposed tax rate that exceeds the no-new-revenue rate. The City's current tax rate is \$0.70862 per \$100 valuation. Therefore, this ordinance will lower the tax rate by \$0.05048 to \$0.65814.**
- No one appeared regarding the proposed Fiscal Year 2022-2023 ad valorem tax rate of \$0.65814 per \$100 valuation.**

Mr. Green stated, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.65814 per \$100 of valuation, which is effectively a 0.8 percent increase in the tax rate." And to approve Ordinance No. 4978, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2022 AT A RATE OF \$0.65814 PER \$100.00 ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, ON JANUARY 1, 2022, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR PLACE OF PAYMENT; APPROVING THE 2022 TAX ROLLS AND ANY SUPPLEMENT THERETO; PROVIDING CERTAIN EXEMPTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Ms. Anderson and approved unanimously. (Ordinance No. 4978 recorded in Ordinance Book No. 127.)

## PUBLIC HEARINGS

22

Conduct a public hearing and consider possible action regarding a request from John Hood, on behalf of Dallas County Commissioners Court Administration, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for a six-foot-tall ornamental fence and existing trees, on property located at 500 South Galloway Avenue.

A public hearing was held regarding a request from John Hood, on behalf of Dallas County Commissioners Court Administration, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for a six-foot-tall ornamental fence and existing trees, on property located at 500 South Galloway Avenue.

Jeff Armstrong, Director of Planning and Development Services, stated that this request is for alternative screening for a new development that Dallas County is proposing on property located at 500 South Galloway Avenue between South Galloway Avenue and Belt Line Road. Dallas County acquired the subject property through a land trade with the City of Mesquite with the intent of constructing a government center on the property. The proposed structure would be 53,550 square feet in area and two-stories in height. The building would include Courtrooms, Voting/Community Space, Constable's Offices, Dallas County Tax Offices and associated office spaces and work areas.

Mr. Armstrong stated that the western half of the south property line is adjacent to a single-family home. Therefore, an eight-foot-tall, long-span precast screening wall is required along the south property line adjacent to the residential property. As an alternative to the pre-cast masonry wall, the County proposes utilizing a six-foot-tall ornamental metal fence, which will also enclose a proposed detention pond to be located on the southwest section of the property. There are also several trees creating a partial visual buffer between the residential property and the County's property.

John Hood, Vice President of Suffolk Construction, stated that the masonry wall would need to be constructed on the property line. However, some tree trunks are located in the middle of the property line and construction of a masonry wall would be detrimental to the trees. Also, a power pole that powers the home on the residential property is located in the treeline on the property line. He stated



that a detention pond is necessary on the property due to flooding issues. Mr. Hood stated that a six-foot-tall ornamental metal fence is Dallas County's standard fencing in other building designs.

Mr. Boroughs stated that in the past, the City Council has required masonry screening walls be constructed on other properties in the City and has not allowed alternative screening. Therefore, he will not be able to support this request.

No one appeared regarding the screening wall substitution request.

Mr. Casper moved to approve the request to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for a six-foot-tall ornamental fence and existing trees on property located at 500 South Galloway Avenue. Motion was seconded by Mr. Green. On call for a vote on the motion, the following votes were cast:

**Ayes:** Casper, Green, Alemán, Vidler, Anderson

**Nays:** Boroughs, Smith

Motion carried.

A brief recess was taken at 9:44 p.m. The meeting resumed at 9:54 p.m.

23

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0322-0239, submitted by Sparks Property Holding, LLC, for a change of zoning from Planned Development Ordinance No. 1110 to Planned Development - Commercial to allow a restaurant with accessory uses, located at 3200 East U.S. Highway 80.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations. This item was tabled at the July 5, 2022, City Council meeting.)

A public hearing was held for Zoning Application No. Z0322-0239.

Jeff Armstrong, Director of Planning and Development Services, stated that the subject property consists of 7.752 acres, approximately five acres of which would remain in a natural state and would include a walking trail around one of the ponds. The applicant proposes construction of a 2,600-square-foot restaurant with a 1,200-square-foot outdoor patio along with a 2,400-square-foot area for an outdoor market. The outdoor market would be limited to no more than two days per week. Mr. Armstrong stated that south of the property is heavily wooded City-owned property with a creek.

Mr. Armstrong stated that this item was postponed at the July 5, 2022, City Council meeting to allow the applicant sufficient time to hold a neighborhood meeting. Property owners were notified and a meeting was held on Thursday, July 21, 2022. The statutory notification area of 200 feet only notified three property owners and staff received no responses in favor or in opposition to the application. However, to date, staff has received 154 letters of support (19 non-Mesquite residents), a petition in support containing 49 signatures (eight non-Mesquite residents) and 31 letters of opposition.

Mr. Armstrong stated that bars are not allowed in the City of Mesquite. If a restaurant intends to serve alcohol, they must apply for a Food and Beverage Certificate and alcohol sales can be no more than 60 percent of the total sales and would be enforced by the Texas Alcohol and Beverage Commission.

Applicant Teresa Sparks, 901 Via Avenida, stated that she held a neighborhood meeting and notified residents within 600 feet of the proposed development and performed a sound study. She reviewed the concept plan for the proposed 2,600-square-foot restaurant. She stated that the reason for not allowing children on the property after 9:00 p.m. is due to the wildlife area. A small section of the restaurant would be open 24 hours mainly for take-out orders. She added that she has chosen to discontinue alcohol sales at Midnight and will not apply for a late hours permit.

The following persons completed a comment card in support of the proposed application but chose not to speak: (1) Kevin Wade, 719 Sara Drive; (2) Brian Davis, 3926 Douglas Drive, Garland; (3) Trish Percholla, 706 Las Brisas; (4) Ronnie Prda, 2328 Crest Ridge Drive, Dallas; (5) Jennifer Richter, 3009 Margo Drive; (6) Donna Fendley, 201 Whisenant Drive, Allen; (7) Todd Horn, 201 Whisenant, Allen; (8) Alann Galletly; (9) Jane Smith, 2473 Wildoak Circle, Dallas; (10) Mike Montgomery, 3006 Deer Trail; (11) Robert Gilbert, 1905 Spiceberry Lane; (12) Kim Pyle, 3417 U. S. Highway 80 East, Apt. 1A; (13) Janet England, 3417 U. S. Highway 80 East, Apt. 1A; (14) Carla Cavanaugh, 9008 San Benito Way, C-1, Dallas; (15) Maria Davis, 3926 Douglas Drive, Garland; and (16) Joe Pirro, 3220 Wells Drive, Plano.

The following persons completed a comment card in opposition to the proposed application but chose not to speak: (1) Ivonne Millan, 2465 Loyce Drive; (2) Pastor Karen Belknap, 1026 Summers Drive; (3) G. T. Anderson, 1315 Windmill Lane; (4) Beatrice Alvarez, 1301 Choctaw; (5) Bryan Brasher, 3008 Yorktown Road; (6) Ralph Libone, 1609 Yorkshire Drive; (7) Valsamma Thomas, 3401 Dublin Trail; (8) Sheila Wilhite, 1520 Springbrook Drive; (9) Robert Wilhite, 1520 Springbrook Drive; (10) Kay Little, 1705 Yorkshire Drive; (11) James Stanley, Jr., 1713 Yorkshire Drive; (12) Joe Padilla, 1705 Huntington Drive; and (13) Tearyne Almendariz, 1416 Yorkshire Drive.

The following persons expressed support for the proposed application: (1) Julie Shelton, 631 Snapdragon Trail; (2) Holly Fisk, 4200 Woodbluff Drive; (3) David Grimm, 7125 Fair Oaks Avenue, Apt. 10, Dallas; (4) Roger Melend, 2504 Cottonwood Drive; (5) Henry Lee, 802 Via Sonoma; (6) David Brooks, 329 East Grubb Drive; (7) Rick Sheffield, 3610 Delia Street, Rowlett; (8) Carl Thelitz, 4714 Sandra Lynn Drive; (9) J. R. Black, 1739 Roundrock Trail; (10) Cathy Clark, 2848 Belhaven Drive; (11) Brad Hoff, Royse City; (12) William Rosser, 1404 Sheffield Court; (13) Mark Minton, 1609 McDonald Drive, Garland; (14) David Moskowitz, 3144 Wichita Drive; (15) Michele Sirkel, 631 Snapdragon Trail; (16) Buddy Langton, 2600 Stillwater Drive; (17) Terri White, 505 Riggs Circle; and (18) Eric Smith, 901 Via Avenida.

Kathy Garner, 1713 Oxford Place, and Chris Girvin, 1412 Hermitage Drive, expressed concerns regarding increased traffic in their neighborhood.

No others appeared regarding the proposed application.

Ms. Vidler moved to deny Zoning Application No. Z0322-0239. Motion was

seconded by Mr. Smith. On call for a vote on the motion, the following votes were cast:

**Ayes:** Vidler, Smith, Alemán, Green, Boroughs, Anderson

**Nayes:** Casper

**Motion carried.**

**ADJOURNMENT**

Ms. Vidler moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 11:20 p.m.

Attest:

Approved:

\_\_\_\_\_  
Sonja Land, City Secretary

\_\_\_\_\_  
Daniel Alemán, Jr., Mayor